

IDAHO ADMINISTRATIVE BULLETIN

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May 7, 2008 -- Volume 08-5

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a monthly compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Notice of Rulemaking published in the Bulletin. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 07-1 refers to the first Bulletin issued in calendar year 2007; Bulletin 08-1 refers to the first Bulletin issued in calendar year 2008. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 08-1 refers to January 2008; Volume No. 08-2 refers to February 2008; and so forth. Example: The Bulletin published in January 2008 is cited as Volume 08-1. The December 2007 Bulletin is cited as Volume 07-12.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are only published in the Bulletin and **not** printed in the Administrative Code.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Rulemaking Index of Idaho Administrative Rules**, printed in each Bulletin.*

TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a "Notice of Proposed Rulemaking" in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date, even when published in conjunction with a temporary rule, and therefore, is not enforceable. An agency may vacate a proposed rulemaking if it decides not to proceed beyond the proposed rulemaking step, and stops the formal rulemaking process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit;*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

State law requires that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Pending Rulemaking". This includes:

- a) a statement giving the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective;*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Pending Rulemaking" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule reviewed by the legislature and not rejected, amended or modified becomes final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls, Twin Falls, Lewiston and East Bonner County Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Idaho Administrative Bulletin is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

The Idaho Administrative Code, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes a table of contents, reference guides, and a subject index.

Individual Rule Chapters and Individual RuleMaking Dockets, are specific portions of the Bulletin and Administrative Code produced on demand.

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: <http://adm.idaho.gov/adminrules/>

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “**IDAPA**” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “**TITLE**” number is assigned. There are “**CHAPTER**” numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title 05, which is the Department of Administrations’s Division of Purchasing

“**01.**” refers to Chapter 01 of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section 200, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER." The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0801). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket number:

"DOCKET NO. 38-0501-0801"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

"0801" denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rule-making action published in **calendar year 2008**. A subsequent rulemaking on this same rule chapter in calendar year 2008 would be designated as "0802". The docket number in this scenario would be 38-0501-0802.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

The citation may also include the IDAPA, Title, or Chapter number, as follows"

"...in accordance with IDAPA 38.05.01.201..."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the rule.

"01" denotes the Chapter number of the rule.

"201" denotes the main Section number of the rule to which the citation refers.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, "Rules Governing Capitol Mall Parking."

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2008

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
08-1	January 2008	*November 14, 2007	January 2, 2008	January 23, 2008
08-2	February 2008	January 4, 2008	February 6, 2008	February 27, 2008
08-3	March 2008	February 8, 2008	March 5, 2008	March 26, 2008
08-4	April 2008	March 7, 2008	April 2, 2008	April 23, 2008
08-5	May 2008	April 4, 2008	May 7, 2008	May 28, 2008
08-6	June 2008	May 2, 2008	June 4, 2008	June 25, 2008
08-7	July 2008	May 30, 2008	July 2, 2008	July 23, 2008
08-8	August 2008	July 3, 2008	August 6, 2008	August 27, 2008
08-9	September 2008	August 1, 2008	September 3, 2008	September 24, 2008
08-10	October 2008	**August 20, 2008	October 1, 2008	October 22, 2008
08-11	November 2008	October 3, 2008	November 5, 2008	November 26, 2008
08-12	December 2008	October 31, 2008	December 3, 2008	December 24, 2008

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2009

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
09-1	January 2009	*November 14, 2008	January 7, 2009	January 28, 2009
09-2	February 2009	January 9, 2009	February 4, 2009	February 25, 2009
09-3	March 2009	February 6, 2009	March 4, 2009	March 25, 2009
09-4	April 2009	March 6, 2009	April 1, 2009	April 22, 2009
09-5	May 2009	April 3, 2009	May 6, 2009	May 27, 2009
09-6	June 2009	May 1, 2009	June 3, 2009	June 24, 2009
09-7	July 2009	May 29, 2009	July 1, 2009	July 22, 2009
09-8	August 2009	July 3, 2009	August 5, 2009	August 26, 2009
09-9	September 2009	July 31, 2009	September 2, 2009	September 23, 2009
09-10	October 2009	**August 28, 2009	October 7, 2009	October 28, 2009
09-11	November 2009	October 2, 2009	November 4, 2009	November 25, 2009
09-12	December 2009	November 6, 2009	December 2, 2009	December 23, 2009

****Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.***

*****Last day to submit proposed rules in order to complete rulemaking for review by legislature.***

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IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
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IDAPA 40	Arts , Idaho Commission on the
IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Uniform School Building Safety (07.06) Public Works Contractors License Board (07.05) HVAC Board (07.07)
IDAPA 43	Canola and Rapeseed Commission , Idaho
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , Board of and Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 14	Geologists , Board of Registration of Professional
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Dispensary (15.10) Idaho Emergency Communications Commission (15.06) Emergency Response Commission (15.13)

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IDAPA 16	Health and Welfare, Department of
IDAPA 45	Human Rights Commission
IDAPA 30	Idaho State Library
IDAPA 11	Idaho State Police
IDAPA 39	Idaho Transportation Department
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
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IDAPA 50	Pardons and Parole, Commission for
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IDAPA 27	Pharmacy, Board of

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IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 41	Public Health Districts
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Classification Board
IDAPA 49	Shorthand Reporters, Board of Certified
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**ADMINISTRATIVE RULES REVIEWED BY THE FIFTY-NINTH
LEGISLATURE OF THE STATE OF IDAHO
SECOND REGULAR SESSION - 2008**

**OMNIBUS RULEMAKING NOTICE OF FINAL LEGISLATIVE ACTION ON
PENDING RULES AND TEMPORARY RULES**

AUTHORITY: In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-ninth Legislature in the Second Regular Session - 2008, reviewed all pending rules, has approved them as final or rejected them in whole or in part, and has extended temporary rules or rejected same in whole or in part. The docket numbers of the affected rulemakings and their effective dates are listed below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice:

The following lists of final and temporary rules include those rules that were reviewed as pending and temporary rules during the Second Regular Session of the Fifty-ninth Legislature of the state of Idaho, 2008. The pending rules reviewed by the legislature that were not rejected in whole or in part have been approved and adopted and are now final rules. Pursuant to Section 67-5226, Idaho Code, all temporary rules were extended or rejected in whole or in part by Senate Concurrent Resolution 139. Pursuant to Section 67-5224, Idaho Code, all pending fee rules were approved or rejected in whole or in part by Senate Concurrent Resolution 138 and are now final rules.

The following tables list the docket number of the rulemaking, the volume number of the Idaho Administrative Bulletin in which the proposed, pending, and temporary rule text was published, the effective date of the rule, and the number of the Concurrent Resolution, if applicable, affecting the rulemaking.

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
02-0104-0701	07-12	07-10	(4-2-08)	---	---
02-0214-0701	07-11	07-9	(4-2-08)	---	---
02-0301-0701	07-12	07-9	(3-5-08)	102	Partial Rejection by HCR 44
02-0403-0701	07-10	07-7	(4-2-08)	---	---
02-0417-0701	07-12	07-9	(4-2-08)	---	---
02-0419-0701	07-12	07-9	(4-2-08)	---	---
02-0420-0701	08-1	07-10	(4-2-08)	---	---
02-0421-0701	07-11	07-8	(4-2-08)	---	---
02-0428-0701	07-10	07-7	(4-2-08)	---	---
02-0429-0701	07-11	07-8	(4-2-08)	---	---
02-0430-0701	08-1	07-10	(4-2-08)	---	---
02-0601-0701	07-11	07-8	(4-2-08)	---	---
02-0602-0701	07-11	07-7	(4-2-08)	---	---

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
02-0612-0701	07-11	07-9	(4-2-08)	---	---
02-0633-0701	08-1	07-10	(4-2-08)	---	---
02-0636-0701	07-11	07-9	(4-2-08)	---	---
02-0639-0701	07-11	07-9	(4-2-08)	---	---
02-0641-0701	07-11	07-7	(4-2-08)	---	---
03-0101-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
05-0101-0701	07-12	07-10	(4-2-08)	---	---
05-0102-0701	07-12	07-10	(4-2-08)	---	---
05-0103-0701	07-12	07-10	(3-5-08)	102.01.a, and 102.02.c.	Partial Rejection by HCR 38
06-0101-0701	07-9	07-9	(10-5-07)	---	---
07-0101-0701	07-12	07-10	(4-2-08)	---	---
07-0102-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
07-0103-0701	07-12	07-10	(4-2-08)	---	---
07-0104-0701	07-12	07-10	(4-2-08)	---	---
07-0106-0701	07-12	07-10	(4-2-08)	---	---
07-0107-0701	07-12	07-10	(4-2-08)	---	---
07-0203-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
07-0205-0701	07-12	07-10	Rejected	Entire Docket	Rejected by HCR 53
07-0206-0701	07-11	07-8	(4-2-08)	---	---
07-0207-0701	07-12	07-10	(4-2-08)	---	---
07-0303-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
07-0402-0701	07-12	07-10	(4-2-08)	---	---
07-0501-0701	07-12	07-10	(4-2-08)	---	---
07-0701-0701	07-12	07-10	(4-2-08)	---	---
07-0701-0702	07-12	07-10	(4-2-08)	---	---
07-0701-0703	07-12	07-10	(4-2-08)	---	---
07-0701-0704	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
08-0105-0701	08-1	07-10	(4-2-08)	---	---
08-0105-0702	08-1	07-10	(4-2-08)	---	---
08-0113-0701	08-1	07-8	(4-2-08)	---	---

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
08-0202-0701	08-1	07-8	(4-2-08)	---	---
08-0202-0702	08-1	07-8	(4-2-08)	---	---
08-0202-0703	08-1	07-8	(4-2-08)	---	---
08-0202-0704	08-1	07-8	(3-26-08)	---	Fee Approved by SCR 138
08-0202-0705	08-1	07-8	(4-2-08)	---	---
08-0202-0706	08-1	07-8	(4-2-08)	---	---
08-0202-0707	08-1	07-10	(4-2-08)	---	---
08-0202-0708	08-1	07-10	(4-2-08)	---	---
08-0203-0607	07-12	07-1	(4-2-08)	---	---
08-0203-0701	08-1	07-7	(4-2-08)	---	---
08-0203-0702	07-12	07-8	(4-2-08)	---	---
08-0203-0703	07-12	07-8	(4-2-08)	---	---
08-0203-0704	08-1	07-10	(4-2-08)	---	---
08-0204-0701	08-1	07-10	(4-2-08)	---	---
09-0106-0701	07-12	07-9	(4-2-08)	---	---
09-0130-0701	07-12	07-9	(4-2-08)	---	---
09-0201-0701	07-12	07-9	(4-2-08)	---	---
11-0701-0701	07-11	07-9	(4-2-08)	---	---
11-1101-0701	07-12	07-10	(4-2-08)	---	---
11-1104-0701	07-12	07-10	(4-2-08)	---	---
13-0104-0701	08-1	07-10	(4-2-08)	---	---
13-0108-0701	08-1	07-10	(4-2-08)	---	---
13-0109-0701	08-1	07-10	(4-2-08)	---	---
13-0112-0701	08-1	07-10	(4-2-08)	---	---
13-0117-0701	08-1	07-10	(4-2-08)	---	---
14-0101-0701	07-11	07-9	(3-26-08)	---	Fee Approved by SCR 138
15-0102-0701	07-9	07-7	(4-2-08)	---	---
15-0201-0701	07-12	07-10	(4-2-08)	---	---
15-0202-0701	07-12	07-10	(4-2-08)	---	---
15-0203-0701	07-12	07-10	(4-2-08)	---	---
15-0204-0701	07-12	07-10	(4-2-08)	---	---

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
15-0401-0702	07-12	07-10	Rejected	Entire Docket	Rejected by HCR 46
16-0202-0701	07-11	07-1	(4-2-08)	---	---
16-0208-0701	08-1	07-10	(4-2-08)	---	---
16-0210-0701	08-1	07-9	(4-2-08)	---	---
16-0210-0702	08-1	07-9	(4-2-08)	---	---
16-0215-0701	08-1	07-10	(4-2-08)	---	---
16-0219-0701	08-1	07-9	(4-2-08)	---	---
16-0227-0701	08-1	07-8	(4-2-08)	---	---
16-0301-0701	07-11	07-8	(4-2-08)	---	---
16-0301-0702	08-1	07-10	(4-2-08)	---	---
16-0301-0703	08-1	07-10	(4-2-08)	---	---
16-0302-0701	08-1	07-9	(3-26-08)	---	Fee Approved by SCR 138
16-0304-0701	08-1	07-10	(4-2-08)	---	---
16-0305-0702	07-11	07-8	(4-2-08)	---	---
16-0305-0703	08-1	07-10	(4-2-08)	---	---
16-0305-0704	08-1	07-10	(4-2-08)	---	---
16-0306-0701	08-1	07-10	(4-2-08)	---	---
16-0306-0702	08-1	07-10	(4-2-08)	---	---
16-0307-0701	08-1	07-9	(3-26-08)	---	Fee Approved by SCR 138
16-0308-0701	08-1	07-10	Rejected	Entire Docket	Rejected by SCR 126
16-0309-0701	07-11	07-1	(4-2-08)	---	---
16-0309-0702	08-1	07-10	(4-2-08)	---	---
16-0309-0703	08-1	07-10	(4-2-08)	---	---
16-0309-0704	08-1	07-10	(4-2-08)	---	---
16-0309-0705	08-1	07-10	(4-2-08)	---	---
16-0309-0706	08-1	07-10	(4-2-08)	---	---
16-0310-0701	07-11	07-7	(4-2-08)	---	---
16-0310-0702	07-9	07-6	(4-2-08)	---	---
16-0310-0703	07-11	07-8	(4-2-08)	---	---
16-0310-0704	08-1	07-10	(4-2-08)	---	---
16-0311-0701	08-1	07-9	(3-26-08)	---	Fee Approved by SCR 138

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
16-0315-0701	08-1	07-9	(3-26-08)	---	Fee Approved by SCR 138
16-0317-0701	07-11	07-7	(4-2-08)	---	---
16-0318-0701	07-11	07-1	(3-26-08)	---	Fee Approved by SCR 138
16-0322-0701	08-1	07-9	(3-26-08)	---	Fee Approved by SCR 138
16-0323-0701	07-11	07-8	(4-2-08)	---	---
16-0501-0701	08-1	07-9	(4-2-08)	---	---
16-0505-0701	07-12	07-9	(4-2-08)	---	---
16-0506-0601	07-9	07-1	(3-26-08)	---	Fee Approved by SCR 138
16-0506-0602	07-9	07-1	(3-26-08)	---	Fee Approved by SCR 138
16-0601-0701	08-1	07-9	(4-2-08)	---	---
16-0612-0701	08-1	07-10	(4-2-08)	---	---
16-0612-0702	08-1	07-10	(3-26-08)	---	Fee Approved by SCR 138
17-0208-0702	08-1	07-10	(4-2-08)	---	---
18-0101-0701	07-12	07-9	(4-2-08)	---	---
18-0103-0701	07-12	07-9	(4-2-08)	---	---
18-0106-0601	07-12	07-8	(4-2-08)	---	---
18-0144-0701	07-12	07-10	Rejected	Entire Docket	Rejected by SCR 138
18-0150-0701	08-1	07-10	(4-2-08)	---	---
18-0160-0701	07-12	07-10	(4-2-08)	---	---
18-0179-0701	07-12	07-9	(4-2-08)	---	---
19-0101-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
20-0206-0701	08-1	07-10	(4-2-08)	---	---
20-0212-0701	08-1	07-10	(4-2-08)	---	---
20-0304-0701	08-1	07-10	(4-2-08)	---	Fee Approved by SCR 140
20-0317-0701	08-1	07-10	(3-26-08)	---	Fee Approved by SCR 138
21-0101-0701	07-10	07-8	(4-2-08)	---	---
22-0101-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
22-0102-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
22-0105-0601	07-6	06-12	(4-2-08)	---	---
22-0106-0601	07-6	06-12	(4-2-08)	---	---
22-0111-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
23-0101-0701	07-12	07-9	(3-26-08)	---	Fee Approved by SCR 138
23-0101-0702	07-12	07-10	(4-2-08)	---	---
24-0301-0702	07-12	07-10	(4-2-08)	---	---
24-0401-0701	07-12	07-10	(4-2-08)	---	---
24-0501-0701	07-12	07-10	(2-26-08)	300.02, second sentence only	Partial Rejection by HCR 39
24-0701-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
24-0801-0701	07-12	07-10	(4-2-08)	---	---
24-0901-0701	07-12	07-10	(4-2-08)	---	---
24-1101-0701	07-12	07-10	(4-2-08)	---	---
24-1301-0701	07-12	07-1	(4-2-08)	---	---
24-1401-0701	07-12	07-10	(4-2-08)	---	---
24-1501-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
24-1601-0701	07-12	07-10	(4-2-08)	---	---
24-1701-0701	07-12	07-10	(4-2-08)	---	---
24-1801-0701	07-12	07-10	(4-2-08)	---	---
24-2101-0701	07-12	07-8	(4-2-08)	---	---
24-2201-0701	07-12	07-10	(4-2-08)	---	---
24-2301-0701	07-12	07-10	(4-2-08)	---	---
24-2401-0701	08-1	07-10	Rejected	Entire Docket	Rejected by SCR 138
26-0120-0701	08-1	07-10	(4-2-08)	---	---
26-0130-0701	08-1	07-10	Rejected	Entire Docket	Rejected by HCR 37
27-0101-0701	07-12	07-9	(4-2-08)	---	---
27-0101-0702	07-12	07-9	(4-2-08)	---	---
27-0101-0703	07-12	07-10	(4-2-08)	---	---
27-0101-0704	07-12	07-9	(4-2-08)	---	---
27-0101-0705	07-12	07-10	(4-2-08)	---	---
28-0203-0701	08-1	07-10	(3-5-08)	222.02.d. and 222.02.e.	Partial Rejection by HCR 47
29-0101-0701	07-12	07-10	(4-2-08)	---	---
29-0102-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
30-0101-0701	07-9	07-7	(4-2-08)	---	---

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
30-0101-0702	07-9	07-7	(4-2-08)	---	---
30-0102-0701	07-9	07-7	(4-2-08)	---	---
31-1101-0701	07-11	07-9	(4-2-08)	---	---
31-1201-0701	07-12	07-10	(4-2-08)	---	---
31-2101-0701	07-12	07-10	(4-2-08)	---	---
31-7102-0701	07-12	07-10	(4-2-08)	---	---
31-7103-0701	07-12	07-10	(4-2-08)	---	---
33-0101-0701	07-10	07-7	(3-26-08)	---	Fee Approved by SCR 138
33-0101-0702	07-10	07-7	(3-13-08)	500.08	Partial Rejection by SCR 131
33-0101-0703	08-1	07-10	(4-2-08)	---	---
35-0101-0701	08-1	07-10	(4-2-08)	---	---
35-0102-0603	08-1	07-10	(4-2-08)		
35-0102-0701	08-1	07-10	(4-2-08)	---	---
35-0103-0701	08-1	07-10	(4-2-08)	---	---
35-0103-0702	08-1	07-10	(4-2-08)	---	---
35-0105-0701	08-1	07-10	(4-2-08)	---	---
35-0105-0702	08-1	07-10	(4-2-08)	---	---
35-0109-0701	08-1	07-10	(4-2-08)	---	---
35-0110-0701	08-1	07-10	(4-2-08)	---	---
35-0111-0701	08-1	07-10	(4-2-08)	---	---
35-0201-0701	08-1	07-10	(4-2-08)	---	---
37-0301-0701	08-1	07-10	Rejected	Entire Docket	Rejected by SCR 138
38-0101-0701	07-12	07-10	(4-2-08)	---	---
38-0102-0701	07-12	07-10	(4-2-08)	---	---
38-0103-0701	07-12	07-10	(4-2-08)	---	---
38-0501-0701	07-12	07-10	(4-2-08)	---	---
38-0502-0701	07-12	07-10	(4-2-08)	---	---
39-0260-0701	08-1	07-10	(4-2-08)	---	---
39-0275-0701	08-1	07-10	(4-2-08)	---	---
39-0308-0701	08-1	07-10	(4-2-08)	---	---
39-0310-0701	08-1	07-10	(4-2-08)	---	---

PENDING RULES REVIEWED FOR FINAL APPROVAL BY THE 2008 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken By Concurrent Resolution
39-0312-0701	08-1	07-10	(4-2-08)	---	---
39-0316-0701	08-1	07-10	(4-2-08)	---	---
39-0317-0701	08-1	07-10	(4-2-08)	---	---
41-0401-0701	07-12	07-10	(3-26-08)	---	Fee Approved by SCR 138
46-0101-0701	07-12	07-9	(4-2-08)	---	---
52-0101-0701	07-12	07-9	(4-2-08)	---	---
52-0101-0702	07-12	07-9	(4-2-08)	---	---
52-0102-0701	07-12	07-9	(4-2-08)	---	---
52-0103-0701	07-12	07-9	(3-26-08)	---	Fee Approved by SCR 138
54-0201-0701	08-1	07-10	(4-2-08)	---	---
58-0101-0701	07-12	07-8	(4-2-08)	---	---
58-0104-0701	07-12	07-8	(4-2-08)	---	---
58-0105-0701	07-12	07-8	(4-2-08)	---	---
58-0107-0701	08-1	07-9	(4-2-08)	---	---
58-0108-0701	07-12	07-8	(4-2-08)	---	---
58-0110-0701	07-12	07-8	(4-2-08)	---	---
58-0120-0701	07-12	07-8	(4-2-08)	---	---
58-0122-0701	07-12	07-8	(4-2-08)	---	---
59-0107-0701	07-12	07-6	(7-1-08)	---	---

TEMPORARY RULES EXTENDED OR REJECTED BY SENATE CONCURRENT RESOLUTION 139				
Docket Number	Bulletin Vol. Number	Temporary Effective Date	Action Taken By Concurrent Resolution	Rejected Sections
02-0214-0702	07-12	(11-1-07)T	Extended by SCR 139	---
02-0421-0801	08-1	(11-19-07)T	Extended by SCR 139	---
02-0606-0501	05-6	(4-1-05)T	Extended by SCR 139	---
02-0610-0701	07-12	(11-1-07)T	Extended by SCR 139	---
07-0301-0701	07-9	Rejected	Rejected by SCR 139	Entire Docket Rejected
08-0202-0801	08-1	(11-2-07)T	Extended by SCR 139	---

TEMPORARY RULES EXTENDED OR REJECTED BY SENATE CONCURRENT RESOLUTION 139				
Docket Number	Bulletin Vol. Number	Temporary Effective Date	Action Taken By Concurrent Resolution	Rejected Sections
08-0203-0801	08-2	(10-12-07)T	Extended by SCR 139	---
11-0403-0801	07-12	(1-1-08)T	Extended by SCR 139	---
12-0110-0701	08-1	(1-1-08)T	Extended by SCR 139	---
14-0101-0702	07-11	(7-1-07)T	Extended by SCR 139	---
16-0303-0801	08-2	(12-6-07)T	Extended by SCR 139	---
16-0309-0707	07-11	(7-1-07)T	Extended by SCR 139	---
16-0309-0708	07-12	(1-1-08)T	Extended by SCR 139	---
16-0309-0709	07-12	(1-1-08)T	Extended by SCR 139	---
16-0310-0705	07-11	(9-1-07)T	Extended by SCR 139	---
16-0310-0706	07-11	(7-1-07)T	Extended by SCR 139	---
16-0310-0707	07-12	(1-1-08)T	Extended by SCR 139	---
16-0314-0801	08-1	(1-1-08)T	Extended by SCR 139	---
16-0403-0801	08-1	(1-1-08)T	Extended by SCR 139	---
16-0701-0801	08-1	(1-1-08)T	Extended by SCR 139	---
16-0710-0801	08-1	(1-1-08)T	Extended by SCR 139	---
16-0717-0801	08-1	(1-1-08)T	Extended by SCR 139	---
16-0733-0801	08-1	(1-1-08)T	Extended by SCR 139	---
27-0101-0601	06-8	(6-16-06)T	Extended by SCR 139	---
28-0304-0701	07-10	(9-1-07)T	Extended by SCR 139	---
49-0101-0701	07-12	(11-1-07)T	Extended by SCR 139	---
59-0103-0801	08-1	(2-1-08)T	Extended by SCR 139	---
59-0106-0701	07-5	(4-1-07)T	Extended by SCR 139	---

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this notice contact Ed Hawley or Brad Hunt (208) 332-1820.

DATED this 18th day of April, 2008.

Dennis R. Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P.O. Box 83720
Boise, ID 83720-0306

Phone: (208) 332-1820
Fax: (208) 332-1896

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED
FOR FINAL ADOPTION DURING THE 2008 LEGISLATIVE SESSION**

The following table is a Sections-affected, History Notes Index for those chapters of rules that were reviewed by the 2008 Second Regular Session of the Fifty-ninth Legislature of the state of Idaho. The table lists those Sections of individual rule chapters that were affected by rulemakings that were submitted for review and acted upon by the legislature. The table includes the docket number of affected chapters, the amended section numbers, the Bulletin publication volumes, and the final effective date of the rule.

Effective dates for the pending rules reviewed and adopted as final by the 2008 Idaho Legislature are as follows:

Pending Fee Rules adopted or rejected by SCR 138; Effective date: March 26, 2008 (3-26-08);

All other Pending Rules - Effective date: April 2, 2008 (4-2-08) - Legislature adjournment date (Sine die).

<i>History Notes - Legislative Session 2008</i>				
<i>Chapter and Docket Number</i>	<i>Amended Sections</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 02 - Department of Agriculture				
02.01.04 - Rules Governing the Idaho Preferred® Promotion Program				
02-0104-0701	200	07-10	07-12	(4-2-08)
02.02.14 - Rules For Weights and Measures				
02-0214-0701	004, 010, 351-399, 500	07-9	07-11	(4-2-08)
02.03.01 - Rules Governing Pesticide Management Plans For Ground Water Protection				
02-0301-0701	004, 011, 102, 150	07-9	07-12	(3-5-08)
02.04.03 - Rules Governing Animal Industry				
02-0403-0701	004, 010, 011, 030, 193, 203, 208-360	07-7	07-10	(4-2-08)
02.04.17 - Rules Governing Dead Animal Movement and Disposal				
02-0417-0701	010	07-9	07-12	(4-2-08)
02.04.19 - Rules Governing Domestic Cervidae				
02-0419-0701	010, 022-099, 102, 202, 500-989	07-9	07-12	(4-2-08)
02.04.20 - Rules Governing Brucellosis				
02-0420-0701	028	07-10	08-1	(4-2-08)
02.04.21 - Rules Governing the Importation of Animals				
02-0421-0701	011, 220, 240, 260, 300, 600 - 601, 670, 710	07-8	07-11	(4-2-08)
02.04.28 - Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots				
02-0428-0701	New Chapter	07-7	07-10	(4-2-08)

<i>History Notes - Legislative Session 2008</i>				
<i>Chapter and Docket Number</i>	<i>Amended Sections</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
<i>02.04.29 - Rules Governing Trichomoniasis</i>				
02-0429-0701	004, 010, 200, 210, 300, 310, 320, 330, 400, 500	07-8	07-11	(4-2-08)
<i>02.04.30 - Rules Governing Nutrient Management</i>				
02-0430-0701	New Chapter	07-10	08-1	(4-2-08)
<i>02.06.01 - Rules Governing The Pure Seed Law</i>				
02-0601-0701	010	07-8	07-11	(4-2-08)
<i>02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law</i>				
02-0602-0701	004	07-7	07-11	(4-2-08)
<i>02.06.12 - Rules Pertaining to The Idaho Fertilizer Law</i>				
02-0612-0701	004, 011, and 030	07-9	07-11	(4-2-08)
<i>02.06.33 - Organic Food Products Rules</i>				
02-0633-0701	004	07-10	08-1	(4-2-08)
<i>02.06.36 - Rules Governing Karnal Bunt Disease of Wheat, Rye, and Triticale</i>				
02-0636-0701	Chapter Repeal	07-9	07-11	(4-2-08)
<i>02.06.39 - Rules Governing Minimum Standards for Planting Uncertified Seed Potatoes in Idaho</i>				
02-0639-0701	001, 005, 060	07-9	07-11	(4-2-08)
<i>02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001</i>				
02-0641-0701	004	07-7	07-11	(4-2-08)
<i>IDAPA 03 - Bureau of Occupational Licenses</i>				
<i>03.01.01 - Rules of the State Athletic Commission</i>				
03-0101-0701	401, 405-505, 508-601, 604-606, 608, 700-706, 715, 716, 722, 725, 731-799, 802, 804-900, 902, 903, 905, 908, 909	07-10	07-12	(3-26-08)
<i>IDAPA 05 - Department of Juvenile Corrections</i>				
<i>05.01.01 - Rules for Contract Providers</i>				
05-0101-0701	320-322, 324-328	07-10	07-12	(4-2-08)
<i>05.01.02 - Rules and Standards For Secure Juvenile Detention Centers</i>				
05-0102-0701	201, 224	07-10	07-12	(4-2-08)
<i>05.01.03 - Rules of the Custody Review Board</i>				
05-0103-0701	000, 003, 010, 101, 102, 201, 300, 400	07-10	07-12	(3-4-08)

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<i>IDAPA 06 - Board of Correction</i>				
<i>06.01.01 - Rules of the Board of Correction</i>				
06-0101-0701	005, 010, 106-108, 110-116, 123-302, 402-405, 510-608	07-9	07-9	(10-5-07)
<i>IDAPA 07 - Division of Building Safety</i>				
<i>07.01.01 - Rules Governing Electrical Inspection Tags</i>				
07-0101-0701	011-015	07-10	07-12	(4-2-08)
<i>07.01.02 - Rules Governing Governing Fees For Electrical Inspections</i>				
07-0102-0701	011	07-10	07-12	(3-26-08)
<i>07.01.03 - Rules of Electrical Licensing and Registration - General</i>				
07-0103-0701	015	07-10	07-12	(4-2-08)
<i>07.01.04 - Rules Governing Electrical Specialty Licensing</i>				
07-0104-0701	017	07-10	07-12	(4-2-08)
<i>07.01.06 - Rules Governing the Use of National Electrical Code</i>				
07-0106-0701	011	07-10	07-12	(4-2-08)
<i>07.01.07 - Rules Governing Continuing Education Requirements</i>				
07-0107-0701	012	07-10	07-12	(4-2-08)
<i>07.02.03 - Rules Governing Permit Fee Schedule</i>				
07-0203-0701	011	07-10	07-12	(3-26-08)
<i>07.02.06 - Rules Concerning Uniform Plumbing Code</i>				
07-0206-0701	011	07-8	07-11	(4-2-08)
<i>07.02.07 - Rules Governing Civil Penalties</i>				
07-0207-0701	011	07-10	07-12	(4-2-08)
<i>07.03.03 - Rules for Modular Buildings</i>				
07-0303-0701	New Chapter	07-10	07-12	(3-26-08)
<i>07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks</i>				
07-0402-0701	004	07-10	07-12	(4-2-08)
<i>07.05.01 - Public Contractors License Board</i>				
07-0501-0701	200	07-10	07-12	(4-2-08)

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07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning				
07-0701-0701	024	07-10	07-12	(4-2-08)
07-0701-0702	027	07-10	07-12	(4-2-08)
07-0701-0703	028	07-10	07-12	(4-2-08)
07-0701-0704	051	07-10	07-12	(3-26-08)
IDAPA 08 - Department of Education / State Board of Education				
08.01.05 - Idaho Promise Scholarship Program				
08-0105-0701	Chapter Repeal	07-10	08-1	(4-2-08)
08-0105-0702	Chapter Rewrite	07-10	08-1	(4-2-08)
08.01.13 - Rules Governing the Idaho Opportunity Scholarship Program				
08-0113-0701	New Chapter	07-8	08-1	(4-2-08)
08.02.02 - Rules Governing Uniformity				
08-0202-0701	060	07-8	08-1	(4-2-08)
08-0202-0702	017	07-8	08-1	(4-2-08)
08-0202-0703	047	07-8	08-1	(4-2-08)
08-0202-0704	032, 033	07-8	08-1	(3-26-08)
08-0202-0705	011	07-8	08-1	(4-2-08)
08-0202-0706	046	07-8	08-1	(4-2-08)
08-0202-0707	140	07-10	08-1	(4-2-08)
08-0202-0708	015	07-10	08-1	(4-2-08)
08.02.03 - Rules Governing Thoroughness				
08-0203-0607	004	07-1	07-12	(4-2-08)
08-0203-0701	004	07-7	08-1	(4-2-08)
08-0203-0702	112, 113,	07-8	07-12	(4-2-08)
08-0203-0703	004	07-8	07-12	(4-2-08)
08-0203-0704	004, 007, 102, 105, 107, 111, 112, 115, 201-999	07-10	08-1	(4-2-08)
08.02.04 - Rules Governing Public Charter Schools				
08-0204-0701	205	07-10	08-1	(4-2-08)

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<i>IDAPA 09 - Department of Labor</i>				
<i>09.01.06 - Rules of the Appeals Bureau</i>				
09-0106-0701	026-066	07-9	07-12	(4-2-08)
<i>09.01.30 - Unemployment Insurance Benefits Administration Rules</i>				
09-0130-0701	550	07-9	07-12	(4-2-08)
<i>09.02.01 - Rules of the Disability Determinations Service</i>				
09-0201-0701	New Chapter	07-9	07-12	(4-2-08)
<i>IDAPA 11 - Idaho State Police</i>				
<i>11.07.01 - Rules Governing Motor Vehicles - General Rules</i>				
11-0701-0701	000-999	07-9	07-11	(4-2-08)
<i>11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council</i>				
11-1101-0701	198, 323, 324, 333, 351	07-10	07-12	(4-2-08)
<i>11.11.04 - Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers</i>				
11-1104-0701	031050, 052, 053, 061-065	07-10	07-12	(4-2-08)
<i>IDAPA 13 - Department of Fish and Game</i>				
<i>13.01.04 - Rules Governing Licensing</i>				
13-0104-0701	000, 010, 303, 404-505, 600	07-10	08-1	(4-2-08)
<i>13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho</i>				
13-0108-0701	410,412, 700-707	07-10	08-1	(4-2-08)
<i>13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho</i>				
13-0109-0701	100, 400, 600-603	07-10	08-1	(4-2-08)
<i>13.01.12 - Commercial Fishing in the State of Idaho</i>				
13-0112-0701	010, 500, 700	07-10	08-1	(4-2-08)
<i>13.01.17 - Rules Governing the Use of Bait for Taking Big Game Animals</i>				
13-0117-0701	100	07-10	08-1	(4-2-08)
<i>IDAPA 14 - Board of Registration of Professional Geologists</i>				
<i>14.01.01 - Rules of Procedure of The Board of Registration for Professional Geologists</i>				

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14-0101-0701	001-300	07-9	07-11	(3-26-08)
<i>IDAPA 15 - Office of the Governor Idaho Commission on Aging</i>				
<i>15.01.02 - Rules Governing Area Agency Adult Protection Programs</i>				
15-0102-0701	010, 021	07-7	07-9	(4-2-08)
<i>Idaho Commission for the Blind and Visually Impaired</i>				
<i>15.02.01 - Federal Laws and Regulations</i>				
15-0201-0701	Chapter Repeal	07-10	07-12	(4-2-08)
<i>15.02.02 - Vocational Rehabilitation Services</i>				
15-0202-0701	New Chapter	07-10	07-12	(4-2-08)
<i>15.02.03 - Rules Governing The Independent Living Program</i>				
15-0203-0701	New Chapter	07-10	07-12	(4-2-08)
<i>15.02.04 - Rules Governing the Prevention of Blindness and Sight Restoration Program</i>				
15-0204-0701	New Chapter	07-10	07-12	(4-2-08)
<i>IDAPA 16 - Department of Health and Welfare</i>				
<i>16.02.02 - Rules of the Idaho Emergency Medical Services (EMS) Physician Commission</i>				
16-0202-0701	New Chapter	07-1	07-11	(4-2-08)
<i>16.02.08 - Vital Statistics Rules</i>				
16-0208-0701	450, 850	07-10	08-1	(4-2-08)
<i>16.02.10 - Idaho Reportable Diseases</i>				
16-0210-0701	Chapter Repeal	07-9	08-1	(4-2-08)
16-0210-0702	Chapter Rewrite	07-9	08-1	(4-2-08)
<i>16.02.15 - Immunization Requirements for Idaho School Children</i>				
16-0215-0701	010, 100, 150	07-10	08-1	(4-2-08)
<i>16.02.19 - Food Safety and Sanitation Standards for Food Establishments</i>				
16-0219-0701	110, 220	07-9	08-1	(4-2-08)
<i>16.02.27 - Idaho Radiation Control Rules</i>				
16-0227-0701	000-049, 051, 091, 092, 110-120, 140, 155, 203, 211-300, 355-349, 451-999	07-8	08-1	(4-2-08)
<i>16.03.01 - Eligibility for Health Care Assistance for Families and Children</i>				
16-0301-0701	011, 225, 270, 530	07-8	07-11	(4-2-08)

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16-0301-0702	100, 222, 421-499	07-10	08-1	(4-2-08)
16-0301-0703	610	07-10	08-1	(4-2-08)
16.03.02 - Rules and Minimum Standards for Skilled Nursing and Intermediate Care				
16-0302-0701	000, 004-099, 996-999	07-9	08-1	(3-26-08)
16.03.04 - Rules Governing the Food Stamp Program in Idaho				
16-0304-0701	106, 147, 389, 572, 611	07-10	08-1	(4-2-08)
16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)				
16-0305-0702	710-721, 737	07-8	07-11	(4-2-08)
16-0305-0703	841	07-10	08-1	(4-2-08)
16-0305-0704	104, 105, 618, 872	07-10	08-1	(4-2-08)
16.03.06 - Rules Governing Refugee Medical Assistance				
16-0306-0701	Chapter Repeal	07-10	08-1	(4-2-08)
16-0306-0702	Chapter Rewrite	07-10	08-1	(4-2-08)
16.03.07 - Rules for Home Health Agencies				
16-0307-0701	005-019, 996-999	07-9	08-1	(3-26-08)
16.03.09 - Medicaid Basic Plan Benefits				
16-0309-0701	151-199, 412, 862	07-1	07-11	(4-2-08)
16-0309-0702	830, 835-841	07-10	08-1	(4-2-08)
16-0309-0703	400	07-10	08-1	(4-2-08)
16-0309-0704	742, 882	07-10	08-1	(4-2-08)
16-0309-0705	560-569	07-10	08-1	(4-2-08)
16-0309-0706	012, 399, 720, 730-740, 752	07-10	08-1	(4-2-08)
16.03.10 - Medicaid Enhanced Plan Benefits				
16-0310-0701	009, 302, 304, 329, 705	07-7	07-11	(4-2-08)
16-0310-0702	112	07-6	07-9	(4-2-08)
16-0310-0703	013, 222, 223, 229, 322	07-8	07-11	(4-2-08)
16-0310-0704	036, 075, 215, 326, 513, 653	07-10	08-1	(4-2-08)
16.03.11 - Rules Governing Intermediate Care Facilities for the Mentally Retarded				
16-0311-0701	000, 005-049, 701-999	07-9	08-1	(4-2-08)
16.03.15 - Rules and Minimum Standards for Semi-Independent Group Residential				
16-0315-0701	000, 004-099, 801-999	07-9	08-1	(4-2-08)

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16.03.17 - Medicare/Medicaid Coordinated Plan Benefits				
16-0317-0701	000-010, 100-102, 200, 205, 210, 300-303	07-7	07-11	(4-2-08)
16.03.18 - Medicaid Cost-Sharing				
16-0318-0701	026-199, 300-999	07-1	07-11	(4-2-08)
16.03.22 - Residential Care or Assisted Living Facilities in Idaho				
16-0322-0701	007-009	07-9	08-1	(3-26-08)
16.03.23 - Rules Governing Uniform Assessments for State-Funded Clients				
16-0323-0701	001-014	07-8	07-11	(4-2-08)
16.05.01 - Use And Disclosure Of Department Records				
16-0501-0701	051, 075, 100, 125, 190, 210, 230, 242	07-9	08-1	(4-2-08)
16.05.05 - Criminal History and Background Checks In Long-Term Care Settings				
16-0505-0701	Chapter Repeal	07-9	07-12	(4-2-08)
16.05.06 - Mandatory Criminal History Checks				
16-0506-0601	Chapter Repeal	07-1	07-9	(3-26-08)
16-0506-0602	Chapter Rewrite	07-1	07-9	(3-26-08)
16.06.01 - Rules Governing Family and Children's Services				
16-0601-0701	000, 550, 560-639	07-9	08-1	(4-2-08)
16.06.12 - Rules Governing the Idaho Child Care Program (ICCP)				
16-0612-0701	000-099, 100-199, 300-999	07-10	08-1	(4-2-08)
16-0612-0702	103, 503	07-10	08-1	(3-26-08)
IDAPA 17 - Industrial Commission				
17.02.08 - Miscellaneous Provisions				
17-0208-0702	031	07-10	08-1	(4-2-08)
IDAPA 18 - Dpartment of Insurance				
18.01.01 - Title Insurance Definition of Tract Indexes and Abstract Records				
18-0101-0701	000-012	07-9	07-12	(4-2-08)
18.01.03 - Military Sales Practices Rule				
18-0103-0701	New Chapter	07-9	07-12	(4-2-08)
18.01.06 - Rule to Implement Uniform Coverage for Newborn and Newly Adopted Children				
18-0106-0601	New Chapter	07-8	07-12	(4-2-08)

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18.01.50 - Adoption of the 2003 International Fire Code				
18-0150-0701	004-017, 047-056	07-10	08-1	(4-2-08)
18.01.60 - Long-Term Care Insurance Minimum Standards				
18-0160-0701	027	07-10	07-12	(4-2-08)
18.01.79 - Recognition of Preferred Mortality Tables for Use In Determining Minimum Reserve Liabilities				
18-0179-0701	New Chapter	07-9	07-12	(4-2-08)
IDAPA 19 - Board of Dentistry				
19.01.01 - Rules of the Idaho State Board of Dentistry				
19-0101-0701	012	07-10	07-12	(3-26-08)
IDAPA 20 - Department of Lands				
20.02.06 - Administration of Idaho's Reforestation Law				
20-0206-0701	Chapter Repeal	07-10	08-1	(4-2-08)
20.02.12 - Rules of the Community and Urban Forestry Trust Account				
20-0212-0701	Chapter Repeal	07-10	08-1	(4-2-08)
20.03.04 - Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho				
20-0304-0701	000-080	07-10	08-1	(4-2-08)
20.03.17 - Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands				
20-0317-0701	000-065, 075	07-10	08-1	(3-26-08)
IDAPA 21 - Division of Veterans Services				
21.01.01 - Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure				
21-0101-0701	004, 010, 350, 351, 950, 982	07-8	07-10	(4-2-08)
IDAPA 22 - Board of Medicine				
22.01.01 - Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Surgery in Idaho				
22-0101-0701	000, 005, 008-052, 077-101	07-10	07-12	(3-26-08)
22.01.02 - Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents				
22-0102-0701	000-019	07-10	07-12	(3-26-08)
22.01.05 - Rules Governing the Licensure of Physical Therapists and Physical Therapy Assistants				
22-0105-0601	Chapter Repeal	06-12	07-6	(4-2-08)

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22.01.06 - Rules for EMS Personnel				
22-0106-0601	Chapter Repeal	06-12	07-6	(4-2-08)
22.01.11 - Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho				
22-0111-0701	000, 008-011, 031-047	07-10	07-12	(3-26-08)
IDAPA 23 - Board of Nursing				
23.01.01 - Rules Of The Idaho Board Of Nursing				
23-0101-0701	100, 492-599	07-9	07-12	(3-26-08)
23-0101-0702	132	07-10	07-12	(4-2-08)
IDAPA 24 - Bureau of Occupational Licenses				
24.03.01 - Rules of the State Board of Chiropractic Physicians				
24-0301-0702	019-100	07-10	07-12	(4-2-08)
24.04.01 - Rules of the Idaho Board of Cosmetology				
24-0401-0701	700	07-10	07-12	(4-2-08)
24.05.01 - Rules of the Board of Drinking Water and Wastewater Professionals				
24-0501-0701	010, 300, 500, 600	07-10	07-12	(2-26-08)
24.07.01 - Rules of the Idaho State Board of Landscape Architects				
24-0701-0701	004, 400	07-10	07-12	(3-26-08)
24.08.01 - Rules of the State Board of Morticians				
24-0801-0701	325, 450	07-10	07-12	(4-2-08)
24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators				
24-0901-0701	200, 400	07-10	07-12	(4-2-08)
24.11.01 - Rules of the State Board of Podiatry				
24-1101-0701	400-449, 700	07-10	07-12	(4-2-08)
24.13.01 - Rules of the Physical Therapy Licensure Board				
24-1301-0701	010, 175	07-1	07-12	(4-2-08)
24.14.01 - Rules of the State Board of Social Work Examiners				
24-1401-0701	201, 202, 350, 450	07-10	07-12	(4-2-08)
24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists				
24-1501-0701	150, 238, 245, 250, 300, 359-376	07-10	07-12	(3-26-08)

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<i>24.16.01 - Rules of the State Board of Denturistry</i>				
24-1601-0701	300, 450	07-10	07-12	(4-2-08)
<i>24.17.01 - Rules of the State Board of Acupuncture</i>				
24-1701-0701	010, 200	07-10	07-12	(4-2-08)
<i>24.18.01 - Rules of the Real Estate Appraiser Board</i>				
24-1801-0701	010, 250, 276-299, 350-401	07-10	07-12	(4-2-08)
<i>24.21.01 - Rules of The Idaho State Contractors Board</i>				
24-2101-0701	151-174	07-8	07-12	(4-2-08)
<i>24.22.01 - Rules of the Idaho State Liquefied Petroleum Gas Safety Board</i>				
24-2201-0701	004, 350-376	07-10	07-12	(4-2-08)
<i>24.23.01 - Rules of the Speech and Hearing Services Licensure Board</i>				
24-2301-0701	210-274, 450	07-10	07-12	(4-2-08)
<i>IDAPA 26 - Department of Parks and Recreation</i>				
<i>26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities</i>				
26-0120-0701	010, 400-450, 556	07-10	08-1	(4-2-08)
<i>IDAPA 27 - Board of Pharmacy</i>				
<i>27.01.01 - Rules Of The Idaho State Board Of Pharmacy</i>				
27-0101-0701	000-006, 464	07-9	07-12	(4-2-08)
27-0101-0702	469	07-9	07-12	(4-2-08)
27-0101-0703	321-327, 331-350	07-10	07-12	(4-2-08)
27-0101-0704	270	07-9	07-12	(4-2-08)
27-0101-0705	497	07-10	07-12	(4-2-08)
<i>IDAPA 28 - Department of Commerce</i>				
<i>28.02.03 - Rules of the Idaho Regional Travel and Convention Grant Program</i>				
28-0203-0701	010, 200, 203, 209	07-10	08-1	(3-5-08)
<i>IDAPA 29 - Idaho Potato Commission</i>				
<i>29.01.01 - Rules of Procedure of the Idaho Potato Commission</i>				
29-0101-0701	002, 012, 016, 241, 286	07-10	07-12	(4-2-08)
<i>29.01.02 - Rules Governing Payment of Tax and Usage of Federally Registered Trademarks</i>				
29-0102-0701	001, 002, 005-100, 102-106, Appendix A	07-10	07-12	(3-26-08)

<i>History Notes - Legislative Session 2008</i>				
<i>Chapter and Docket Number</i>	<i>Amended Sections</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
IDAPA 30 - Commission for Libraries				
30.01.01 - Rules of the Idaho Library Governing the Use of State Library Materials and Services				
30-0101-0701	Chapter Repeal	07-7	07-9	(4-2-08)
30.01.01 - Rules of the Idaho Commission for Libraries Governing the Use of Commission Services				
30-0101-0702	000 - 999 - *Rulemaking renames chapter from: Rules of the Idaho State Library Governing the Use of State Library Materials and Services To: Rules of the Idaho Commission for Libraries Governing the Use of Commission Services	07-7	07-9	(4-2-08)
30.01.02 - Rules of the Idaho State Library Governing Participation in State Library				
30-0102-0701	000-999	07-7	07-9	(4-2-08)
IDAPA 31 - Public Utilities Commission				
31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public				
31-1101-0701	005, 008, 201-203, 301, 302	07-9	07-11	(4-2-08)
31.12.01 - Systems of Accounts for Public Utilities Regulated by the Idaho Public Utilities Commission				
31-1201-0701	008-104	07-10	07-12	(4-2-08)
31.21.01 - Customer Relations Rules for Gas, Electric, and Water Public Utilities Regulated by the Idaho Public Utilities Commission (The Utility Customer Relations Rules)				
31-2101-0701	105, 203, 204, 300, 302, 310, 311, 403, 600	07-10	07-12	(4-2-08)
31.71.02 - Railroad Accident Reporting Rules				
31-7102-0701	Chapter Repeal	07-10	07-12	(4-2-08)
31.71.03 - Railroad Safety/Sanitation Rules				
31-7103-0701	001, 004, 006-008, 103, 104	07-10	07-12	(4-2-08)
IDAPA 33 - Real Estate Commission				
33.01.01 - Rules of the Idaho Real Estate Commission				
33-0101-0701	101, 102, 103, 104	07-7	07-10	(3-26-08)
33-0101-0702	500	07-7	07-10	(3-13-08)
33-0101-0703	121	07-10	08-1	(4-2-08)
IDAPA 35 - State Tax Commission				
35.01.01 - Income Tax Administrative Rules				

<i>History Notes - Legislative Session 2008</i>				
<i>Chapter and Docket Number</i>	<i>Amended Sections</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
35-0101-0701	006, 031, 032, 075, 108, 121, 125, 255, 275, 285, 286, 582, 641, 700, 746, 765-799, 800, 880, 946	07-10	08-1	(4-2-08)
35.01.02 - Sales and Use Tax Administrative Rules				
35-0102-0603	068	07-10	08-1	(4-2-08)
35-0102-0701	010, 015, 041, 058, 063, 067, 073, 085, 106, 107, 109, 117, 135, 136	07-10	08-1	(4-2-08)
35.01.03 - Property Tax Administrative Rules				
35-0103-0701	802, 803	07-10	08-1	(4-2-08)
35-0103-0702	006, 131, 205, 210, 217, 314, 315, 404, 405, 415, 509, 510, 511, 603, 700, 701, 717, 804, 805, 809, 811, 966	07-10	08-1	(4-2-08)
35.01.05 - Idaho Motor Fuels Tax Administrative Rules				
35-0105-0701	140, 160, 180, 270, 292, 510	07-10	08-1	(4-2-08)
35-0105-0702	170, 250, 501	07-10	08-1	(4-2-08)
35.01.09 - Idaho Kitchen and Table Wine Tax Administrative Rules				
35-0109-0701	013	07-10	08-1	(4-2-08)
35.01.10 - Idaho Cigarette and Tobacco Tax Administrative Rules				
35-0110-0701	010, 013, 014, 022	07-10	08-1	(4-2-08)
35.01.11 - Idaho Unclaimed Property Administrative Rules				
35-0111-0701	010	07-10	08-1	(4-2-08)
35.02.01 - Tax Commission Administration and Enforcement Rules				
35-0201-0701	155, 310	07-10	08-1	(4-2-08)
IDAPA 38 - Department of Administration				
38.01.01 - Other Contested Case or Adversary Hearings Before the Department of				
38-0101-0701	Chapter Repeal	07-10	07-12	(4-2-08)
38.01.02 - Rules for Hearing Procedure for Division of Purchasing Specification Challenges				
38-0102-0701	Chapter Repeal	07-10	07-12	(4-2-08)
38.01.03 - Rules Governing Practice and Procedure for Public Hearings Before the Department of Administration				
38-0103-0701	Chapter Repeal	07-10	07-12	(4-2-08)

<i>History Notes - Legislative Session 2008</i>				
<i>Chapter and Docket Number</i>	<i>Amended Sections</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
<i>38.05.01 - Rules of the Division of Purchasing</i>				
38-0501-0701	003, 041, 044, 112-999	07-10	07-12	(4-2-08)
<i>38.05.02 - Rules Governing Contested Case Hearings on Bid Appeals at The Division of Purchasing</i>				
38-0502-0701	New Chapter	07-10	07-12	(4-2-08)
<i>IDAPA 39 - Idaho Transportation Department</i>				
<i>39.02.60 - Rules Governing License Plate Provisions</i>				
39-0260-0701	001-009, 011-100, 151-300	07-10	08-1	(4-2-08)
<i>39.02.75 - Rules Governing Names on Drivers' Licenses and Identification Cards</i>				
39-0275-0701	000-200	07-10	08-1	(4-2-08)
<i>39.03.08 - Rules Governing Prequalification of Variable Load Suspension Axles and Other Auxiliary Axles</i>				
39-0308-0701	Chapter Repeal	07-10	08-1	(4-2-08)
<i>39.03.10 - Rules Governing When an Overlegal Permit is Required</i>				
39-0310-0701	002-100, 300-400	07-10	08-1	(4-2-08)
<i>39.03.12 - Rules Governing Safety Requirements of Overlegal Permits</i>				
39-0312-0701	002-010, 300, 500, 900	07-10	08-1	(4-2-08)
<i>39.03.16 - Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads</i>				
39-0316-0701	010-100	07-10	08-1	(4-2-08)
<i>39.03.17 - Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers</i>				
39-0317-0701	010, 200, 201	07-10	08-1	(4-2-08)
<i>IDAPA 41 - Public Health District #4</i>				
<i>41.04.01 - Public Health District 4 - Costs and Charges</i>				
41-0401-0701	Chapter Repeal	07-10	07-12	(3-26-08)
<i>IDAPA 46 - Board of Veterinary Medical Examiners</i>				
<i>46.01.01 - Rules of The State of Idaho Board of Veterinary Medicine</i>				
46-0101-0701	010, 012, 015-100, 153-200, 205	07-9	07-12	(4-2-08)
<i>IDAPA 52 - Idaho State Lottery Commission</i>				
<i>52.01.01 - Rules of Practice and Procedure of The Idaho State Lottery Commission</i>				
52-0101-0701	Chapter Repeal	07-9	07-12	(4-2-08)
52-0101-0702	Chapter Rewrite	07-9	07-12	(4-2-08)
<i>52.01.02 - Gaming Rules of The Idaho State Lottery</i>				

<i>History Notes - Legislative Session 2008</i>				
<i>Chapter and Docket Number</i>	<i>Amended Sections</i>	<i>Bulletin Vol. Proposed Rule</i>	<i>Bulletin Vol. Pending Rule</i>	<i>Final Effective Date</i>
52-0102-0701	010, 100, 106-112, 115-119, 202, 203, 302, 305-307, 401-500, 502	07-9	07-12	(4-2-08)
52.01.03 - Rules Governing Operations of The Idaho State Lottery				
52-0103-0701	New Chapter	07-9	07-12	(3-26-08)
IDAPA 54 - Office of the State Treasurer				
54.02.01 - Rules Governing the College Savings Program				
54-0201-0701	001-003, 005, 007	07-10	08-1	(4-2-08)
IDAPA 58 Department of Environmental Quality				
58.01.01 - Rules for the Control of Air Pollution in Idaho				
58-0101-0701	008, 107, 200, 205	07-8	07-12	(4-2-08)
58.01.04 - Rules for Administration of Wastewater Treatment Facility Grants				
58-0104-0701	000-999	07-8	07-12	(4-2-08)
58.01.05 - Rules and Standards for Hazardous Waste				
58-0105-0701	002, 004-013, 015-018	07-8	07-12	(4-2-08)
58.01.07 - Rules Regulating Underground Storage Tank Systems				
58-0107-0701	New Chapter	07-9	08-1	(4-2-08)
58.01.08 - Idaho Rules for Public Drinking Water				
58-0108-0701	002, 003, 050-150, 250, 311-349	07-8	07-12	(4-2-08)
58.01.10 - Rules Regulating the disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended				
58-0110-0701	004, 010	07-8	07-12	(4-2-08)
58.01.20 - Rules for Administration of Drinking Water Loan Program				
58-0120-0701	004-051, 995-999	07-8	07-12	(4-2-08)
58.01.22 - Rules for Administration of Planning Grants for Public Drinking Water Facilities				
58-0122-0701	001-070	07-8	07-12	(4-2-08)
IDAPA 59 - Public Employees Retirement System - PERSI				
59.01.07 - Miscellaneous Rules of the Public Employee Retirement System of Idaho (PERSI)				
59-0107-0701	002, 100	07-6	07-12	(4-2-08)

HOUSE CONCURRENT RESOLUTION NO. 37

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 37
BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF PARKS AND RECREATION PERTAINING TO IDAHO SAFE BOATING RULES

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Parks and Recreation pertaining to Idaho Safe Boating Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 26.01.30, Rules of the Department of Parks and Recreation, Idaho Safe Boating Rules, adopted as pending rules under Docket Number 26-0130-0701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS17771

This Concurrent Resolution would reject a pending rule of the Department of Parks and Recreation pertaining to the Idaho Safe Boating Rules. The effect of this Resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This Concurrent Resolution has no fiscal impact.

Adopted: March 10, 2008.

Contact:
Rep. John A. "Bert" Stevenson
Phone: 332-1240

HOUSE CONCURRENT RESOLUTION NO. 38

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 38
BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS PERTAINING TO RULES OF THE CUSTODY REVIEW BOARD

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Juvenile Corrections pertaining to Rules of the Custody Review Board are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 05.01.03, Rules of the Custody Review Board, Section 102, relating to Structure and Composition of the Custody Review Board, Subsection 01.a, the amended language only, and Subsection 02.c, the amended language only, Rules of the Department of Juvenile Corrections, as adopted as a pending rule under Docket Number 05-0103-0701, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 17790

This concurrent resolution would reject amended portions of two subsections of a pending rule of the Department of Juvenile Corrections pertaining to Rules of the Custody Review Board as being not consistent with Legislative intent. The effect of this resolution, if adopted by both houses, would be to prevent the second sentence in the subsection of the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 5, 2008.

Contact:

Name: Representative Leon Smith
Phone: 332-1000

HOUSE CONCURRENT RESOLUTION NO. 39

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 39
BY ENVIRONMENT, ENERGY AND TECHNOLOGY COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO BUREAU OF OCCUPATIONAL LICENSES PERTAINING TO RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Bureau of Occupational Licenses pertaining to Rules of the Board of Drinking Water and Wastewater Professionals is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals, Section 300, relating to Requirements for License, Subsection 02, second sentence, only, and not any paragraph thereunder, Rules of the Idaho Bureau of Occupational Licenses, as adopted as a pending rule under Docket Number 24-0501-0701, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 17760

This concurrent resolution would reject a sentence in a certain subsection of a pending rule of the Bureau of Occupational Licenses pertaining to the Rules of the Board of Drinking Water and Wastewater Professionals. The effect of this resolution, if adopted by both houses, would be to prevent the second sentence in the subsection of the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: February 26, 2008.

Contact:

Name: Tana Corey, Bureau of Occupational Licenses
Phone: 334-3233

HOUSE CONCURRENT RESOLUTION NO. 44

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 44
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF AGRICULTURE RELATING TO RULES GOVERNING PESTICIDE MANAGEMENT PLANS FOR GROUND WATER PROTECTION

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Agriculture relating to Rules Governing Pesticide Management Plans for Ground Water Protection are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection, Section 102, DCPA Chemical Specific PMP, only, adopted as a pending rule under Docket Number 02-0301-0701, Department of Agriculture, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 17900

This concurrent resolution would reject as section of a pending rule of the Department of Agriculture relating to Rules Governing Pesticide Management Plans for Ground Water Protection. The effect of this resolution, if adopted by both houses, would be to prevent the subsection of the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 5, 2008.

Contact:

Name: Representative Trail
Phone: 208-332-1137

HOUSE CONCURRENT RESOLUTION NO. 46

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 46
BY COMMERCE AND HUMAN RESOURCES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE OFFICE OF THE GOVERNOR RELATING TO RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the LegislatureHCR finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Office of the Governor relating to Rules of the Division of Human Resources and Personnel Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 15.04.01, Rules of the Division of Human Resources and Personnel Commission, adopted as a pending rule under Docket Number 15-0401-0702, the Office of the Governor, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 17902

This concurrent resolution would reject a pending rule of the Office of the Governor relating to Rules of the Division of Human Resources and Personnel Commission. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 5, 2008.

Contact:
Name: Chairman Schaefer
Phone: 332-1224

HOUSE CONCURRENT RESOLUTION NO. 47

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 47
BY COMMERCE AND HUMAN RESOURCES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF COMMERCE RELATING TO RULES OF THE IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Commerce relating to Rules of the Idaho Regional Travel and Convention Grant Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 28.02.03, Rules of the Idaho Regional Travel and Convention Grant Program, Section 222, Plan Selection, Subsection 02.d, the amended language only, and Subsection 02.e, the amended language only, adopted as a pending rule under Docket Number 28-0203-0701, Rules of the Department of Commerce, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 17899

This concurrent resolution would reject amended portions of two subsections of a pending rule of the Department of Commerce relating to Rules of the Idaho Regional Travel and Convention Grant Program as being not consistent with Legislative intent. The effect of this resolution, if adopted by both houses, would be to prevent the amended language in the two subsections of the Department's rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 5, 2008.

Contact:

Name: Chairman Schaefer
Phone: 332-1224

HOUSE CONCURRENT RESOLUTION NO. 53

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 53
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING A CERTAIN RULE OF THE DIVISION OF BUILDING SAFETY
RELATING TO RULES GOVERNING PLUMBING SAFETY LICENSING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Division of Building Safety relating to Rules Governing Plumbing Safety Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.02.05, rules of the Division of Building Safety relating to Rules Governing Plumbing Safety Licensing, adopted as a pending rule under Docket Number 07-0205-0701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS18053

This concurrent resolution would reject a pending rule of the Division of Building Safety relating to Rules Governing Plumbing Safety Licensing. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 21, 2008.

Contact:
Representative Max Black
332-1265

SENATE CONCURRENT RESOLUTION NO. 126

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 126
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE PERTAINING TO RULES GOVERNING TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare pertaining to Rules Governing Temporary Assistance for Families in Idaho are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.08, Department of Health and Welfare, Rules Governing Temporary Assistance for Families in Idaho, adopted as pending rules under Docket Number 16-0308-0701, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS17761

This concurrent resolution would reject a pending rule of the Department of Health and Welfare pertaining to the Rules Governing Temporary Assistance for Families in Idaho. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: February 25, 2008.

Contact:
Senator Joyce Broadsword
332-1392

SENATE CONCURRENT RESOLUTION NO. 131

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 131
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING
A CERTAIN RULE OF THE REAL ESTATE COMMISSION RELATING
TO RULES OF THE IDAHO REAL ESTATE COMMISSION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Real Estate Commission relating to Rules of the Idaho Real Estate Commission is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 33.01.01, Rules of the Idaho Real Estate Commission, Section 500, Minimum Teaching Standards of the Commission, Subsection 08, only, adopted as a pending rule under Docket Number 33-0101-0702, Idaho Real Estate Commission, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS17941

This concurrent resolution would reject a subsection of a pending rule of the Idaho Real Estate Commission relating to the Rules of the Idaho Real Estate Commission. The effect of this resolution, if adopted by both houses, would be to prevent the language in a subsection of the agency rule as amended from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Adopted: March 13, 2008.

Contact:
Senator John C. Andreason
332-1333

SENATE CONCURRENT RESOLUTION NO. 138

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 138
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULE DOCKETS THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Bureau of Occupational Licenses relating to Rules of the Board of Naturopathic Medical Examiners are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Insurance relating to Schedule of Fees, Licenses and Miscellaneous Charges are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Water Resources relating to Adjudication Rules are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2008 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0701 (New Chapter), the entire rulemaking docket;

IDAPA 18.01.44, Rules of the Department of Insurance, Schedule of Fees, Licenses and Miscellaneous Charges, adopted as pending fee rules under Docket Number 18-0144-0701, the entire rulemaking docket;

IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, adopted as pending fee rules under Docket Number 20-0304-0701; and

IDAPA 37.03.01, Department of Water Resources, Adjudication Rules, adopted as pending fee rules under Docket Number 37-0301-0701, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules

of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0701 (New Chapter), the entire rulemaking docket; IDAPA 18.01.44, Rules of the Department of Insurance, Schedule of Fees, Licenses and Miscellaneous Charges, adopted as pending fee rules under Docket Number 18-0144-0701, the entire rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, adopted as pending fee rules under Docket Number 20-0304-0701; and IDAPA 37.03.01, Department of Water Resources, Adjudication Rules, adopted as pending fee rules under Docket Number 37-0301-0701, the entire rulemaking docket are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 18078

By statute, agency rules adopted under the Administrative Procedure Act that impose a fee or charge do not go into effect unless approved by concurrent resolution of both houses of the Legislature. This concurrent resolution would approve agency fee or charge rules that have been adopted during the last calendar year, and which were submitted through the Office of the Rules Coordinator to the Legislature or review during the current legislative session, with four exceptions: one fee rule docket that was not approved by the Senate Health and Welfare Committee that reviewed it; one fee rule docket that was not approved by the Senate Commerce and Human Resources Committee that reviewed it; one fee rule docket that was not approved by the Senate Resources and Environment Committee that reviewed it; and one fee rule docket that was not approved by the House Resources and Conservation Committee that reviewed it.

FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, could have no fiscal impact upon any state or local government funds or accounts, beyond the scope or impact of the individual rules themselves.

Adopted: March 26, 2008.

Contact

Name: Paige Alan Parker,
Senior Legal Analyst
Legislative Services Office
Phone: 334-4857

SENATE CONCURRENT RESOLUTION NO. 139

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 139
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING
AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2008 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rule: IDAPA 07.03.01, Rules of the Division of Building Safety, the entire rulemaking docket, adopted as a temporary rule under Docket Number 07-0301-0701.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixtieth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2008 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-ninth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 18079

Temporary rules adopted by state agencies under the Administrative Procedure Act, by statute expire at the end of the current legislative session. This concurrent resolution would approve and extend agency temporary rules beyond the current session, with one exception: one temporary rule docket that was not approved by the House Business Committee.

FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, could have no fiscal impact upon any state or local government funds or accounts, beyond the scope or impact of the individual rules themselves. By adopting this concurrent resolution, the legislature avoids having necessary agency rules expire, which would occasion additional expense to state agencies for readopting and republishing temporary rules needed to conduct state business.

Adopted: March 26, 2008.

Contact

Name: Paige Alan Parker,
Senior Legal Analyst
Legislative Services Office
Phone: 334-4857

SENATE CONCURRENT RESOLUTION NO. 140

LEGISLATURE OF THE STATE OF IDAHO
Fifty-ninth Legislature Second Regular Session - 2008

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 140
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND APPROVING A CERTAIN PENDING FEE RULE OF THE DEPARTMENT OF LANDS
RELATING TO RULES GOVERNING THE REGULATION OF BEDS, WATERS,
AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the finding of the Legislature is that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho are consistent with legislative intent; and

WHEREAS, IDAPA 20.03.04, Rules of the Department of Lands, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lands in the State of Idaho was erroneously included in and rejected by Senate Concurrent Resolution No. 138, which was adopted by the Legislature during this legislative session; and

WHEREAS, it is the finding of the Legislature that certain Rules of the Department of Lands, relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, Docket Number 20-0304-0701, should be approved.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 20.03.04, Rules of the Department of Lands relating to Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, Docket Number 20-0304-0701, be, and the same is hereby approved pursuant to Section 67-5224, Idaho Code.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 18168

This concurrent resolution would approve a pending fee rule of the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho, which was erroneously rejected by SCR 138. The effect of this resolution, if adopted by both houses, would be to allow the agency rule to go into effect.

FISCAL NOTE

The concurrent resolution will result in the increase in certain fees charged the public as set forth in Docket Number 20-0304- 0701.

Adopted: April 2, 2008.

Contact:
Senator Robert Geddes
332-1300

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.03.01 - RULES GOVERNING PESTICIDE MANAGEMENT PLANS FOR GROUND WATER PROTECTION

DOCKET NO. 02-0301-0701

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 02-0301-0701. This agency action for this final rulemaking is authorized pursuant to Sections 22-3418, 22-3419, 22-3420, and 22-3421, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rule and a statement of any change between the text of the pending rule and text of the final rule with an explanation for any changes:

Pursuant to House Concurrent Resolution No. 44, Docket No. 02-0301-0701 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

Section 102, DCPA Chemical Specific PMP, only, is rejected. Section 102 was a new section that was being added to the rule and is rejected in its entirety. Section 102 will remain unchanged as codified in the current Administrative Code. It is currently codified as a "Reserved" Section as follows:

IDAPA 02.03.01.102.

102. -- 149. (RESERVED).

The original text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 18 through 22. The pending rule was published in the December 5, 2007 Idaho Administrative Bulletin, Vol. 07-12, page 30.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Gary Bahr, Agriculture Section Manager at 208-332-8597.

DATED this 31st day of March, 2008.

Brian Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 790
Boise, Idaho 83701
Phone: 208-332-8500
Fax: 208-334-2170

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.08 - VITAL STATISTICS RULES

DOCKET NO. 16-0208-0801

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-242 and 39-5403, Idaho Code, as well as Section 39-268, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than Wednesday, May 21, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

During the 2008 legislative session, the House Health and Welfare Committee approved Vital Statistics rule Docket No. 16-0208-0701, but requested that the language in Section 850 of the rule be aligned with the language in Section 39-268, Idaho Code. Committee members were concerned that the use of the words “designate” and “designee” in the rule might inadvertently allow unqualified individuals to sign certificates of death and stillbirth. The rule changes in this docket address that concern.

Specifically, the terms “designate” and “designee” are being changed to “designated associate,” to mirror the terminology used in Section 39-268, Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking is being done to align the rule terminology with Section 39-268, Idaho Code, as requested by the 2008 Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Greg Heitman at (208) 334-5986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before Wednesday, May 28, 2008.

DATED this 28th day of March, 2008.

Sherri Kovach
Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
kovachs@dhw.idaho.gov e-mail

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0208-0801

850. REMOVAL OF DEAD BODY OR FETUS FROM PLACE OF DEATH OR STILLBIRTH.

Before removing a dead body or fetus from the place of death or stillbirth, the funeral director, or person acting as such, must, in accordance with Section 39-268, Idaho Code: (4-2-08)

01. Obtain Assurance That Death Is from Natural Causes. Obtain assurance from the attending physician, physician assistant, advanced practice professional nurse, or his *designee* designated associate, responsible for medical certification of the cause of death or stillbirth: (~~4-2-08~~)(____)

a. That the death or stillbirth is from natural causes; and (4-2-08)

b. That the attending physician, physician assistant, advanced practice professional nurse, or his *designee* designated associate, will assume responsibility for certification of the cause of death or stillbirth; or (~~4-2-08~~)(____)

02. Notify the Coroner. Notify the coroner when: (4-2-08)

a. The case falls within the jurisdiction of the coroner in accordance with Section 39-260, Idaho Code; (4-2-08)
or

b. The death or stillbirth is due to natural causes; and (4-2-08)

i. There was no attending physician, physician assistant, or advanced practice professional nurse during the last illness; or (4-2-08)

ii. There was no physician, physician assistant, or advanced practice professional nurse in attendance at the stillbirth; or (4-2-08)

iii. When the attending physician, physician assistant, advanced practice professional nurse, or his designated associate, is not available or is physically incapable of providing assurance that the death or stillbirth is from natural causes or providing permission to remove the dead body or fetus from the place of death or stillbirth. (~~4-2-08~~)(____)

03. Receive Permission to Remove the Dead Body or Fetus. Receive permission to remove the dead body or fetus from the place of death or stillbirth from: (4-2-08)

a. The attending physician, physician assistant, advanced practice professional nurse, or his *designee* designated associate, if the death is from natural causes and all assurances in Subsection 850.01 of this rule have been met; or (~~4-2-08~~)(____)

b. The coroner, if the case falls within the jurisdiction of the coroner, in accordance with Section 39-260, Idaho Code, or if the death or stillbirth is due to natural causes and one (1) of the conditions listed in Subsections 850.02.b.i. through 850.02.b.iii. of this rule has been met. (4-2-08)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-0706

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-203(g), 56-203(i), 56-250 through 56-257, Idaho Code; also Title XIX and Title XXI of the Social Security Act, as amended, and the companion federal regulations; also, Sections 39-5602 and 39-5603, Idaho Code, as amended by HB 167 (2007).

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

There are no changes in the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the Wednesday, November 7, 2007, Idaho Administrative Bulletin, Vol. 07-11, pages 103 through 120.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Susan Scheuerer at (208) 287-1156.

DATED this 10th day of March, 2008.

Sherri Kovach, Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
kovachs@dhw.idaho.gov e-mail

DOCKET NO. 16-0310-0706 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-11, November 7, 2007, pages 103 through 120.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2009 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-0701

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 24-0501-0701. This agency action for this final rulemaking is authorized pursuant to Section 54-2406, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rule and a statement of any change between the text of the pending rule and text of the final rule with an explanation for any changes.

Pursuant to House Concurrent Resolution No. 39, Docket No. 24-0501-0701 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

Section 300, relating to requirements for license, Subsection 02, second sentence was rejected and declared null and void.

Only the Section affected by the concurrent resolution is being printed in this Bulletin. The original text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 119 through 125. The pending rule was published in the December 5, 2007, Idaho Administrative Bulletin, Vol. 07-12, page 113.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Cherie Simpson at (208) 334-3233.

DATED this 9th day of April, 2008.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph.
(208) 334-3945, fax

THE FOLLOWING IS THE FINAL TEXT OF DOCKET NO. 24-0501-0701

300. REQUIREMENTS FOR LICENSE (RULE 300).

Applicants shall submit an application together with the required fees and such documentation as is required.
(3-24-05)

01. Examination Requirement. Applicants must pass a written examination for each individual classification in each type of licensure with a minimum score of seventy percent (70%). For those classifications of Class II through IV, successful completion of the examinations from the immediate lower type and classification shall be a prerequisite to examination eligibility for the next higher classification of the same type, except that applicants for wastewater collection operator or wastewater laboratory analyst or drinking water distribution operator licenses

may apply for any classification examination for which they hold the required education and experience. (3-30-06)

a. The examination will reflect different levels of knowledge, ability and judgment required for the established license type and class. The Board will administer examinations at such times and places as the Board may determine. (3-24-05)

b. The examination for all types and classes of licensure shall be validated and provided by the Association of Boards of Certification (ABC). The American Backflow Prevention Association (ABPA) backflow assembly tester licensure is also approved. (2-26-08)

c. Applicants who fail an examination must make application to retake the same type and class examination and pay the required examination fees prior to retaking the examination. (3-24-05)

d. Applicants must take and pass the examination within one (1) year of application approval. After one (1) year a new application and applicable fees must be submitted. (3-30-07)

02. Education and Experience Requirements. Only actual verified on-site operating experience at a treatment, distribution or collection system will be acceptable. (3-24-05)

a. Each applicant for an Operator-In-Training License must have a high school diploma or GED and pass a Class I exam. (3-30-06)

b. To qualify for a Very Small Water System license an operator must have a high school diploma or GED and six (6) months of acceptable operator-in-training experience at a water distribution system. (3-24-05)

c. To qualify for a Class I license an applicant must have a high school diploma or GED and one (1) year of acceptable experience at a Class I or higher system. To upgrade an OIT license to a Class I the applicant must provide documented proof to the Board of having completed one (1) year of supervised operating experience in a Class I or higher public drinking water or wastewater system, and payment of the required fees. (2-26-08)

d. To qualify for a Class II treatment or lab analyst license II an applicant must have a high school diploma or GED and three (3) years of acceptable Class I operating experience at a Class I or higher system. (2-26-08)

e. To qualify for a Class III treatment or lab analyst III license an applicant must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable Class II operating experience of a Class II or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (2-26-08)

f. To qualify for a Class IV treatment or lab analyst IV license an applicant must have a high school diploma or GED; and four (4) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable Class III operating experience at a Class III or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (2-26-08)

g. To qualify for a Class II collection or distribution license an operator must have a high school diploma or GED and three (3) years of acceptable operating experience at a Class I or higher system. (3-24-05)

h. To qualify for a Class III collection or distribution license an operator must have a high school diploma or GED and two (2) years of post high school education in the environmental control field, engineering or related science; and four (4) years of acceptable operating experience of a Class I or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (3-24-05)

i. To qualify for a Class IV collection or distribution license an operator must have a high school diploma or GED; and four (4) years of post high school education in the environmental control field, engineering or

related science; and four (4) years of acceptable operating experience at a Class I or higher system, including two (2) years of experience in daily on-site charge, supervision of personnel, or management of a major segment of a system in the same or next lower class. (3-24-05)

j. To qualify for a lagoon license, an operator must have a high school diploma or GED and twelve (12) months of acceptable supervised operating experience at a Lagoon system. (3-24-05)

k. To qualify for a Wastewater Land Application license, an operator must have a high school diploma or GED, a current wastewater treatment license and minimum six (6) months of hands-on operating experience at a wastewater land application system. The wastewater land application operator that is a responsible charge or substitute responsible charge operator must be licensed at the type and class equal to or greater than the classification of the wastewater system. (3-24-05)

l. To qualify for a backflow assembly tester license, an applicant must have a high school diploma or GED, and shall document successful completion of a Board-approved backflow assembly tester training program in compliance with the Cross Connection Control Accepted Procedure and Practice Manual and consisting of theory instruction, practical instruction, and a practical examination in compliance with the USC Test procedures. (3-30-06)

m. To qualify for an original wastewater laboratory analyst license, an applicant must hold a current water treatment, wastewater treatment or lagoon license. (3-24-05)

03. Substituting Education for Experience. Applicants may substitute approved education for operating and responsible charge experience as specified below. (3-24-05)

a. No substitution for operating experience shall be permitted for licensure as a very small system operator or a Class I operator. (3-24-05)

b. For Classes II, III and IV, substitution shall only be allowed for the required experience when fifty percent (50%) of all stated experience (both operating and responsible charge) has been met by actual on-site operating experience. (3-24-05)

c. For Class II, a maximum of one and one-half (1½) years of post high school education in the environmental control field, engineering or related science may be substituted for one and one-half (1½) years of operating experience. (3-24-05)

d. For Class III and IV, a maximum of two (2) years of post high school education in the environmental control field, engineering or related science may be substituted for two (2) years of operating experience; however the applicant must still have one (1) year of responsible charge experience. (3-24-05)

e. Education substituted for operating experience may not be also credited toward the education requirement. (3-24-05)

f. One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. (3-24-05)

04. Substituting Experience for Education. Where applicable, approved operating and responsible charge experience may be substituted for education as specified below: (3-24-05)

a. One (1) year of operating experience may be substituted for two (2) years of grade school or one (1) year of high school with no limitation. (3-24-05)

b. For Class III and IV, additional responsible charge experience (that exceeding the two (2) year class requirements) may be substituted for post high school education on a two (2) for one (1) basis: two (2) years additional responsible charge = one (1) year post high school education. (3-24-05)

05. Substituting Experience for Experience. Related experience may be substituted for experience up to one-half (½) of the operating experience requirement for Class II, III and IV. Experience that may be substituted

- includes but is not limited to the following: (3-24-05)
- a.** Experience as an environmental or operations consultant; (3-24-05)
 - b.** Experience in an environmental or engineering branch of federal, state, county, or local government; (3-24-05)
 - c.** Experience as a wastewater collection system operator; (3-24-05)
 - d.** Experience as a wastewater treatment plant operator; (3-24-05)
 - e.** Experience as a water distribution system operator and/or manager; (3-24-05)
 - f.** One (1) year of post high school education may be substituted for one (1) year experience up to a maximum of fifty percent (50%) of the required operating or responsible charge experience. (3-24-05)
 - g.** Experience in waste treatment operation and maintenance. (3-24-05)
- 06. Equivalency Policy.** Substitutions for education or experience requirements needed to meet minimum requirements for license will be evaluated upon the following equivalency policies: (3-24-05)
- a.** High School - High School diploma = GED or equivalent as approved by the Board = four (4) years. (3-24-05)
 - b.** College - Thirty-five (35) credits = one (1) year (limited to curricula in environmental engineering, environmental sciences, water/wastewater technology, and/or related fields as determined by the Board). (3-24-05)
 - c.** Continuing Education Units (CEU) for operator training courses, seminars, related college courses, and other training activities. Ten (10) classroom hours = one (1) CEU; forty-five (45) CEUs = one (1) year of college. (3-24-05)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0801

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 11, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 54-4106, Idaho Code, and Title XI, federal code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 14th, 2008.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This change will update the version of USPAP to the current edition and clarify the timeframe for the USPAP update course needed for continuing education from two (2) years to twenty-four (24) months.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Federal requirements under Title XI have changed effective January 1, 2008. This change will bring the state into compliance.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because changes are required to meet federal standards under Title XI.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 28, 2008.

DATED this 4th day April, 2008.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph.
(208) 334-3945, fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1801-0801

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled "Uniform Standards of Professional Appraisal Practice (USPAP)," 2006~~8~~ Edition published by the Appraisal Foundation and effective January 1, 2006~~8~~ as referenced in Subsection 700, is herein incorporated by reference and is available for review at the Board's office and may be purchased from the Appraisal Foundation.

~~(4-11-06)~~(3-11-08)T

(BREAK IN CONTINUITY OF SECTIONS)

401. CONTINUING EDUCATION (RULE 401).

All certified/licensed appraisers must comply with the following continuing education requirements: (7-1-97)

01. Purpose of Continuing Education. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising. (7-1-97)

02. Hours Required. The equivalent of fifteen (15) classroom hours of instruction in courses or seminars during each year prior to renewal is required. (3-20-04)

a. A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment. (7-1-93)

b. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours. (7-1-97)

c. Credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the Appraisal Qualification Board and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location. Courses shall be approved for a period of four (4) years. (4-6-05)

d. Once every ~~two (2) years~~ twenty-four (24) months an Idaho State Certified/Licensed Real Estate Appraiser will be required to attend an approved seven (7) hour USPAP update course or the equivalent.

~~(3-30-07)~~(3-11-08)T

03. Credit for Appraisal Educational Processes and Programs. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education. Credit for educational processes and programs continuing education shall not exceed one-half (1/2) of the total continuing education credits required for a renewal period. (4-2-08)

04. Credit for Attending the Licensure Board Meetings. Continuing education credit may be granted for a maximum of two (2) hours each renewal period for time spent attending one (1) Board meeting. Members of the board shall not be entitled to continuing education credit for board service. (4-2-08)

05. Requirement When a Certificate/License Is Cancelled. For each year (less than five (5)) in which a license is lapsed, canceled, or otherwise non-renewed, fifteen (15) hours of continuing education must be documented, including a seven (7) hour USPAP update course, prior to reinstatement. (3-30-07)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0703

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rule will be held as follows:

Tuesday, June 10, 2008, 3:30 p.m.

**Department of Environmental Quality
Conference Room C
1410 N. Hilton, Boise, Idaho**

The hearing sites will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) has initiated this rulemaking to ensure that the purpose and applicability of Sections 725 through 729, as they relate to sulfur content of fuels, is clear. The revisions to Sections 725 through 729 have been proposed for clarification purposes and are not substantive in nature.

Members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2008 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2009 legislative session if adopted by the Board and approved by the Legislature.

NEGOTIATED RULEMAKING: Negotiated rulemaking was conducted pursuant to Idaho Code Section 67-5220 and IDAPA 58.01.23.810-815. On October 3, 2007, the Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Vol. 07-10, page 441, and a preliminary draft rule was made available for public review. One meeting was held on October 24, 2007. Several members of the public participated in this rulemaking by attending the meeting. No revisions were made to the preliminary draft rule.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

IDAHO CODE SECTION 67-5221(c) FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 10, 2008.

DATED this 27th day of March, 2008.

Paula J. Wilson, Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.idaho.gov

THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-0703

725. RULES FOR SULFUR CONTENT OF FUELS.

This section applies to fuel burning sources in Idaho. ~~The~~ Its purpose of Sections 725 through 729 is to prevent excessive ground level concentrations of sulfur dioxide ~~from fuel burning sources in Idaho~~. The reference test method for measuring fuel sulfur content shall be ASTM method, D129-95 Standard Test for Sulfur in Petroleum Products (General Bomb Method) or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157. (4-5-00)(____)

~~726. DEFINITIONS AS USED IN SECTIONS 727 THROUGH 729.~~

01. Definitions. (____)

~~01a.~~ ASTM. American Society for Testing and Materials. (5-1-94)

~~02b.~~ **Distillate Fuel Oil.** Any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils. (5-1-94)

~~03c.~~ **Residual Fuel Oil.** Any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils. (5-1-94)

~~727. RESIDUAL FUEL OILS.~~

02. Residual Fuel Oils.

~~01. Standards for 1973.~~ After January, 1973, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than two and one-half percent (2.5%) sulfur by weight. (5-1-94)

~~02. Standards Beginning 1974.~~ After January, 1974, no person shall sell, distribute, use or make available for use, any residual fuel oil containing more than one and three-fourths percent (1.75%) sulfur by weight. (5-1-94)(____)

~~728. DISTILLATE FUEL OIL.~~

03. Distillate Fuel Oil. No person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur: (5-1-94)(____)

~~01a.~~ **ASTM Grade 1.** ASTM Grade 1 fuel oil - zero point three percent (0.3 percent%) by weight. (5-1-94)(____)

~~02b.~~ **ASTM Grade 2.** ASTM Grade 2 fuel oil - zero point five percent (0.5 percent%) by weight. (5-1-94)(____)

~~729. COAL.~~

04. Coal. No person shall sell, distribute, use or make available for use, any coal containing greater

than one percent (1.0%) sulfur by weight. ~~(5-1-94)~~()

~~739~~26. -- 749. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

798. ELECTRICAL GENERATORS.

The following requirements apply to all electrical generators used to provide electrical power to any nonmetallic mineral processing plant. The requirements apply to each site of operations. (3-15-02)

01. Fuel Type. Only ASTM (American Society of Testing and Materials) Grade 1 or 2 fuel oil shall be used. The sulfur content of the fuel used shall not exceed the percentages of sulfur given in Section 7285. ~~(3-15-02)~~()

02. Generator Operating Requirements. For the purposes of Sections 790 through 799, the following apply to all electrical generators.

Rated Output Capacities (kW)	Allowable Operating Hours (hr/day)		Allowable Operating Hours (hr/yr)	
	Attainment Unclassifiable Areas	PM-10 Nonattainment Areas	Attainment Unclassifiable Areas	PM-10 Nonattainment Areas
0 – 454	24	8	8760	2880
455 – 1000	24	24	8760	8760
1001 – 2000	24	24	5200	5200

kW = kilowatts
 hr/day = hours per day
 hr/yr = hours per year (3-15-02)

03. Generator Opacity Limit. Visible emissions from any generator stack, vent, or other functionally equivalent opening shall not exceed twenty percent (20%) opacity for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period. Opacity shall be determined using the test methods and procedures contained in Section 625. (3-15-02)

04. Monitoring and Recordkeeping Requirements. (3-15-02)

a. The owner or operator shall monitor and record the following information. (3-15-02)

i. The rated output capacity, in kilowatts (kW), of the electrical generator(s) used; (3-15-02)

ii. Operating hours on a monthly and annual basis so compliance can be continuously determined for the previous twelve (12) month period; and (3-15-02)

iii. Vendor receipts of the fuel oil purchased clearly identifying the ASTM Grade. (3-15-02)

b. Records of monitoring and recordkeeping requirements for current operations shall be maintained at the site of operations for the duration of operations at that location and shall be available to Department representatives upon request. Records for previous sites of operation shall be kept for the most recent two (2) year period at a location where they can be reasonably accessed and shall be made available to the Department upon request. (3-15-02)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 - INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES

DOCKET NO. 58-0103-0801

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

MEETING SCHEDULE: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meetings. The meetings will take place simultaneously and will be connected by telephone. Additional meetings may be scheduled if necessary. For information regarding additional meetings, contact the undersigned.

Thursday, May 22, 2008, 9:30 a.m. to 4:00 p.m. Mountain Time	
Department of Environmental Quality Conference Room D 1410 N. Hilton Boise, Idaho	Panhandle Health District Board Room, 2nd Floor 8500 North Atlas Road Hayden, Idaho
Central District Health Department McCall Field Office 703 North 1st Street McCall, Idaho	Department of Environmental Quality Snake River Conference Room 444 Hospital Way #300 Pocatello, Idaho
South Central Public District Health 1020 Washington Street North Twin Falls, Idaho	Eastern Idaho Public Health District 1250 Hollipark Drive Idaho Falls, Idaho
North Central District Health 215 10th Street Lewiston, Idaho	

Thursday, June 5, 2008, 9:30 a.m. to 4:00 p.m. Mountain Time	
Department of Environmental Quality Conference Room D 1410 N. Hilton Boise, Idaho	Panhandle Health District Board Room, 2nd Floor 8500 North Atlas Road Hayden, Idaho
Central District Health Department McCall Field Office 703 North 1st Street McCall, Idaho	Department of Environmental Quality Snake River Conference Room 444 Hospital Way #300 Pocatello, Idaho
South Central Public District Health 1020 Washington Street North Twin Falls, Idaho	Eastern Idaho Public Health District 1250 Hollipark Drive Idaho Falls, Idaho
North Central District Health 215 10th Street Lewiston, Idaho	

PRELIMINARY DRAFT RULE: By May 7, 2008, the preliminary draft rule can be obtained at http://www.deq.idaho.gov/rules/subsurface/58_0103_0801_negotiated.cfm or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to provide for a revised method to estimate wastewater flow from single family dwellings that is more consistent with domestic water usage statewide. The proposed revisions would provide for a more refined soil classification system which will allow more precise sizing of drainfields. The rule would also provide a definition of “module” to assist understanding and applicability of the rule within the regulated community.

The preliminary draft rule will include the following proposed revisions:

- 1) Add a definition for the term “module”;
- 2) Revise the wastewater flow rates for single family dwellings; and
- 3) Refine the soil classification system from 3 to 6 soil types.

If necessary, this rulemaking may also include any corrections that are typographical and nonsubstantive in nature (e.g., making corrections for consistency with other sections in this rule chapter and other DEQ rules).

Local government, property owners, representatives of the building construction industry, and the public at large may be interested in participating in this rulemaking. Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2008 and then present the final proposal to the Board of Environmental Quality for adoption of a pending rule in the fall of 2008. If adopted, the pending rule will be reviewed by the 2009 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the negotiated rulemaking, contact AJ Maupin at aj.maupin@deq.idaho.gov, (208)373-0140.

Anyone may submit written comments regarding this negotiated rulemaking by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before May 23, 2008. To receive subsequent drafts of the negotiated rule, and for information regarding submission of written comments on subsequent drafts, contact the undersigned.

Dated this 7th day of April, 2008.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

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Docket No. **02-0301-0701**

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16.02.08 - Vital Statistics Rules

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24.18.01 - Rules of the Real Estate Appraiser Board

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IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - Rules for the Control of Air Pollution in Idaho

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725. Rules For Sulfur Content Of Fuels. 61

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

*The written comment deadline is May 28, 2008, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
** Indicates that a public hearing has been scheduled.*

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
P.O. Box 83720, Boise, ID 83720-0036**

16-0208-0801, Vital Statistic Rules. Changes terms "designate" and "designee" to "designated associate."

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
1109 Main St. Ste. 220, Boise, ID 83702**

24-1801-0801, Rules of the Real Estate Appraisers Board (Temp & Prop). Incorporates by reference the current edition of the USPAP and clarifies the timeframe for the USPAP update course needed for continuing education from 2 years to 24 months.

**58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

****58-0101-0703, Rules for the Control of Air Pollution in Idaho.** Renumbers and clarifies sections relating to the sulfur content of fuels. Comment by: 6/10/08.

NEGOTIATED RULEMAKING MEETINGS ARE BEING HELD ON THE FOLLOWING:

DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0103-0801, Individual/Subsurface Sewage Disposal Rules.

Please refer to the Idaho Administrative Bulletin, *May 7, 2008, Volume 08-5* for notices and text of all rulemakings, Senate and House Concurrent Resolutions, Omnibus Rulemaking Notice of Final and Temporary Rules, public hearing schedules, Governor's executive orders, and agency contact information.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted on purchases over \$50.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address:
<http://adm.idaho.gov/adminrules/>

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**FOR THE ABOVE LINK TO WORK YOU HAVE
TO BE CONNECTED TO THE INTERNET**

**This index tracks the history of all agency rulemakings from 1993 to the present.
It includes all rulemaking activities on each chapter of rules
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